

**From:** [Osborn, Mark](#)  
**To:** 'Miles Tolbert'; [Ryan\\_Jackson@inhofe.senate.gov](mailto:Ryan_Jackson@inhofe.senate.gov); [sward@cwlaw.com](mailto:sward@cwlaw.com); [James\\_Costello/R6/USEPA/US@EPA](mailto:James_Costello/R6/USEPA/US@EPA); [Sam\\_Coleman/R6/USEPA/US@EPA](mailto:Sam_Coleman/R6/USEPA/US@EPA)  
**Subject:** FW: Legislation  
**Date:** 07/30/2011 04:36 PM  
**Attachments:** [11-07-08 Tar Creek Land Remediation Economic Development Act of 2011.docx](#)  
[11-07-08 Tar Creek Land Remediation Economic Development Act of 2011.docx](#)

---

Gentlemen,

Miles and I have made some changes to the legislation using the above draft as a framework. I would like to get everyone's approval in time for distribution to the Trust on 8-5-11. This is the last date to add information to the Trustee meeting packets for the meeting 8-10-11. To that end I would ask that any concerns be circulated among the group before that time but that any changes to the draft be made only by Miles to avoid confusion and to expedite the process.

The changes we have made include several minor changes to Sec.2., the use of the "Superfund Site" in all of Sec.5., as I think was originally intended, and the rewriting of Sec.7(d).

In particular I would like to call your attention to Sec.7(d). The last draft circulated included a new first sentence which states, "Individual Indians and the Tribe shall not be held liable under any law for acts or omissions to the ownership, storage, milling or processing or sale of chat in which they hold ownership interest and which took place prior to the date the President signs this Act". While I am willing to support limited liability protection for what happens *after* the date the Act is signed the legislation of carte blanche liability forgiveness for everything that occurred *before* is far beyond what I see as the intent of the Trust and I can not support it. Along these lines I have also stricken "under any law" from the second sentence of this section. This process is something that will generate some attention and those of us who have to defend it need to be sure that it is limited to only what we explicitly intend and can justify. The bigger issue of previous liability, I am afraid, will have to be resolved in some other venue.

As you are all well aware of by now, I am not always right so I look forward to you comments. I will need approval from everyone in this group before I will present it to the Trust.  
Mark

---

This e-mail may contain identifiable health information that is subject to protection under state and federal law. This information is intended to be for the use of the individual named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited and may be punishable by law. If you have received this electronic transmission in error, please notify us immediately by electronic mail (reply).

# TARGET SHEET

**SITE NAME:** TAR CREEK

**CERCLIS I.D.:** OKD980629844

**TITLE OF DOC.:** 11-07-08 TAR CREEK LAND REMEDIATION  
ECONOMIC DEVELOPMENT ACT OF  
2011.DOCX

**DATE OF DOC.:** 07/08/2011

**NO. OF PGS. THIS TARGET SHEET REPLACES:** UNKNOWN

**SDMS #:** 9872939 **RELATED #:**

**CONFIDENTIAL ?** ☐ **MISSING PAGES ?** ☐

**ALTERN. MEDIA ?** ☒ **CROSS REFERENCE ?** ☐

**LAB DOCUMENT ?** ☐ **LAB NAME:**

**ASC./BOX #:** ☐

**CASE #:**  **SDG #:**

**COMMENTS :** THIS FILE IS A BLANK PAGE.